

RICHARD JAMES JOHNSON	§	
VS.	§	CIVIL ACTION NO. 9:18-CV-162
ANGELINA COUNTY D.A. OFFICE, <i>et al.</i> ,	§	

Plaintiff objects that the time to pay the filing fee is insufficient arguing that he is indigent and imprisoned. Plaintiff also states he is under imminent danger but provides no specifics, referencing civil actions filed in other districts. Plaintiff's allegations in the present suit do not involve allegations of imminent danger. Plaintiff sues the Angelina County District Attorney's Office, Angelina County, the Texas Bar Association, the Court of Criminal Appeals and the

Angelina County defense attorney alleging due process violations and denial of access to courts. Specifically, plaintiff complains that he is being denied his trial transcript. Plaintiff clearly makes no allegation of imminent danger in this action.

As outlined in the Report and Recommendation, plaintiff is a serial litigant and has incurred more than 3 strikes. As such, 28 U.S.C. § 1915(g) prohibits prisoners from repeatedly filing frivolous or malicious complaints and states:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action [in forma pauperis] . . . if the prisoner has, on three or more occasions . . . brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Plaintiff has yet to pay the full \$400.00 filing fee.¹

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. Plaintiff has thirty (30) days from entry below to pay the full \$400.00 filing fee. Plaintiff is advised that no further extensions will be granted.

So **ORDERED** and **SIGNED January 7, 2019**.



Ron Clark, Senior District Judge

¹Plaintiff has paid \$70.08 to date.